

AMENDED IN SENATE SEPTEMBER 3, 2013

AMENDED IN SENATE AUGUST 12, 2013

AMENDED IN ASSEMBLY MAY 24, 2013

AMENDED IN ASSEMBLY APRIL 10, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 271

Introduced by Assembly Member Mitchell

(Coauthors: Assembly Members Ammiano, Blumenfield, Buchanan, Dickinson, Garcia, Lowenthal, Pan, V. Manuel Pérez, and Skinner Skinner, and Yamada)

(Coauthors: Senators Beall, Evans, Hancock, Hill, Leno, Liu, and Yee)

February 7, 2013

An act to add Section 11270.5 to, and to repeal Section 11450.04 of, the Welfare and Institutions Code, relating to CalWORKs.

LEGISLATIVE COUNSEL'S DIGEST

AB 271, as amended, Mitchell. CalWORKs: eligibility.

Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states. Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program for the allocation of federal funds received through the TANF program, under which each county provides cash assistance and other benefits to qualified low-income families. Under existing law, for purposes of determining a family's maximum aid payment under the CalWORKs program, the number of needy persons in the same family is not increased for any child born into a family that has received aid under

the CalWORKs program continuously for the 10 months prior to the birth of the child, with specified exceptions.

This bill would repeal that exclusion for purposes of determining the family's maximum aid payment and would expressly prohibit the denial of aid or denial of an increase in the maximum aid payment if a child on whose behalf aid, or an increase in aid, is being requested was born into an applicant's or recipient's family while the applicant's or recipient's family was receiving aid under the CalWORKs program. The bill would specify that an applicant or recipient is not entitled to an increased benefit payment for months prior to January 1, 2014, as a result of the repeal of that exclusion or the enactment of that express prohibition. The bill would also prohibit the department from conditioning an applicant or recipient's eligibility for aid on the applicant or recipient's disclosure of specified information regarding rape, incest, or contraception, as specified. *The bill would make related findings and declarations.*

Existing law continuously appropriates moneys from the General Fund to defray a portion of county aid grant costs under the CalWORKs program.

This bill would declare that no appropriation would be made for purposes of the bill.

To the extent that this bill affects eligibility under the CalWORKs program, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. The Legislature finds and declares that this act~~
- 2 ~~is necessary to protect the reproductive and privacy rights of all~~
- 3 ~~applicants for, and recipients of, aid under the California Work~~
- 4 ~~Opportunity and Responsibility to Kids Act (CalWORKs).~~
- 5 *SECTION 1. The Legislature finds and declares the following:*

1 (a) *Scientific research has demonstrated that young children*
2 *living in deep poverty experience lifelong cognitive impairments*
3 *limiting their ability to be prepared for, and succeed in, school.*

4 (b) *Academic research has documented an increase in missed*
5 *days of school and an increase in visits to hospital emergency*
6 *rooms by children who live in deep poverty.*

7 (c) *The Maximum Family Grant rule was adopted to limit the*
8 *length of time a family could receive basic needs assistance, and*
9 *to limit the amount of assistance a family could receive, through*
10 *the Aid to Families with Dependent Children (AFDC) program*
11 *before the implementation of welfare reform. At the time the rule*
12 *was adopted, there was no limit on the length of time a family*
13 *could receive aid, no work requirements, and the benefits provided*
14 *were approximately 80 percent of the federal poverty level.*

15 (d) *Since the implementation of the Maximum Family Grant*
16 *rule, AFDC has been replaced with the California Work*
17 *Opportunity and Responsibility to Kids Act (CalWORKs), which*
18 *imposes lifetime limits on aid and requires adult CalWORKs*
19 *participants to meet work requirements in order to receive a*
20 *maximum benefit of approximately 40 percent of the federal poverty*
21 *level.*

22 (e) *The Maximum Family Grant rule makes poor children*
23 *poorer, reducing the income of families with infants to below 30*
24 *percent of the federal poverty level.*

25 (f) *This act is necessary to protect infants born to families*
26 *receiving CalWORKs from experiencing lifelong cognitive*
27 *impairments due to the toxic stress of deep poverty and to ready*
28 *those children for participation in California's public school*
29 *system.*

30 (g) *This act is also necessary to protect the reproductive and*
31 *privacy rights of all applicants for, and recipients of, aid under*
32 *CalWORKs.*

33 SEC. 2. Section 11270.5 is added to the Welfare and
34 Institutions Code, following Section 11270, to read:

35 11270.5. (a) An applicant for or recipient of aid under this
36 chapter shall not be required as a condition of eligibility to do any
37 of the following:

38 (1) Divulge that any member of the assistance unit is a victim
39 of rape or incest.

1 (2) Share confidential medical records related to any member
2 of the assistance unit's rape or incest.

3 (3) Use contraception, choose a particular method of
4 contraception, or divulge the method of contraception any member
5 of the assistance unit uses.

6 (b) An applicant for or recipient of aid under this chapter shall
7 not be denied aid, nor denied an increase in the maximum aid
8 payment, for a child born into the applicant's or recipient's family
9 during a period in which the applicant's or recipient's family was
10 receiving aid under this chapter.

11 (c) An applicant for or recipient of aid under this chapter shall
12 not be entitled to an increased benefit payment for any month prior
13 to January 1, 2014, as a result of the repeal of former Section
14 11450.04 (as added by Section 1 of Chapter 196 of the Statutes of
15 1994) or the enactment of this section.

16 SEC. 3. Section 11450.04 of the Welfare and Institutions Code
17 is repealed.

18 SEC. 4. No appropriation pursuant to Section 15200 of the
19 Welfare and Institutions Code shall be made for the purposes of
20 this act.

21 SEC. 5. If the Commission on State Mandates determines that
22 this act contains costs mandated by the state, reimbursement to
23 local agencies and school districts for those costs shall be made
24 pursuant to Part 7 (commencing with Section 17500) of Division
25 4 of Title 2 of the Government Code.